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19 UNITED STATES DISTRICT COURT

20 DISTRICT OF NEVADA

21 Cung Le, Nathan Quarry, Jon Fitch, Brandon
22 Vera, Luis Javier Vazquez, and Kyle
Kingsbury on behalf of themselves and all
others similarly situated,

23 Plaintiffs,

24 v.

25 Zuffa, LLC, d/b/a Ultimate Fighting
26 Championship and UFC,

27 Defendant.
28

Case No.: 2:15-cv-01045-RFB-(PAL)

**[PROPOSED] ORDER GRANTING
DEFENDANT ZUFFA, LLC'S PROPOSAL
FOR REVIEW OF THE REMAINING
FTC DOCUMENTS**

1 Before the Court are the parties' competing proposals regarding the proper approach for
2 the potential review and production of the remaining 1,711,927 documents collected during the
3 2011 FTC investigation (the "FTC Collection"). Of the 1.7 million documents, there are 807,836
4 documents from the Ordered Custodians in this case and 904,091 documents from other Zuffa
5 and Strikeforce employees. ECF No. 255. Zuffa has already produced to the Plaintiffs the
6 documents that were produced to the FTC during the 2011 investigation.

7 The parties have met and conferred and reached an agreement that Zuffa will review
8 documents from all 14 of the previously ordered Zuffa custodians who have documents in the
9 FTC collection. Zuffa has also agreed to review without search terms the various categories of
10 documents for these custodians, such as scanned documents or cell phone messages, that it agreed
11 to review with regard to other custodial documents, subject to revisiting this commitment should
12 unanticipated issues arise. The parties agree that the search terms Zuffa previously proposed in
13 the February and April Joint Status Reports should be applied to the Ordered Custodians'
14 documents and to the Strikeforce employees' documents with some modifications, such as
15 excluding certain terms such as "Strikeforce" from the Strikeforce employees' documents. The
16 parties disagree whether other search terms should be applied to these documents. The parties
17 also disagree as to the employees from Strikeforce whose documents should be reviewed.

18 The Court's ruling with regard to these documents is guided by the principle in Federal
19 Rule of Civil Procedure 26(b)(1) which requires discovery to be "proportional to the needs of the
20 case, considering the importance of the issues at stake in the action, the amount in controversy,
21 the parties' relative access to relevant information, the parties' resources, the importance of the
22 discovery in resolving the issues, and whether the burden or expense of the proposed discovery
23 outweighs its likely benefit."

24 With regard to the Ordered Custodians, the Court has previously considered the proper
25 use of search terms. ECF No. 225; May 17 Status Conference. The Court believes it is
26 reasonable to apply the same set of Ordered Search Terms to these documents. The Ordered
27 Search Terms consist of the search terms that Zuffa proposed in the February and April Joint
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1 Status Reports: (1) the Undisputed Search Terms (ECF No. 218-1); (2) Zuffa's February Search
2 Term Proposal (ECF No. 218-2); (3) the Original FTC Search Terms (ECF No. 244-2); (4)
3 Fighter Names Added to Original FTC Search Terms (ECF No. 244-3); and (5) Zuffa's
4 Additional Search Terms (ECF No. 244-4).

5 With regard to the Strikeforce employees, the Court finds that it is reasonable and
6 proportional to order the review of some of the documents maintained by some of the former
7 Strikeforce employees. The relative importance of Strikeforce's documents in relation to the
8 needs of this case is not as great as the need for information about the defendant, Zuffa, who is
9 alleged to have monopolized and monopsonized the markets. Therefore, the Court orders Zuffa
10 to identify relevant documents from the files of former Strikeforce President and CEO Scott
11 Coker and former Strikeforce Matchmakers, Richard Chou and Bob Cook. The Court believes
12 that the benefit of including additional Strikeforce employees as custodians does not outweigh the
13 burden of doing so given the relative importance of Strikeforce to this case and the Strikeforce
14 documents that Plaintiffs already have received from the original FTC production. In order to
15 identify the relevant documents from the files of Mr. Coker, Mr. Chou and Mr. Cook, the Ordered
16 Search Terms as they currently stand are inappropriate because they contain terms (such as
17 "Strikeforce" and "Coker") that are overbroad because they encompass the names of former
18 Strikeforce employees, as well as the names and/or domain names of Strikeforce, itself. Instead,
19 the Court orders that the Ordered Terms be modified to exclude the terms "Strikef*," "Explosion
20 Entertainment," "Strikeforce," "SF," "Explosion," "Coker," "Ellner," "Chou," "Knapp" and
21 "crazybobcook@hotmail.com" from the Ordered Terms list as applied to Mr. Coker's, Mr.
22 Chou's and Mr. Cook's documents.

23 The Court understands that for documents collected in this case, Zuffa has undertaken to
24 manually review certain categories of custodial documents that are unlikely to be captured by
25 search terms. The Court understands that Zuffa will take the same efforts with regard to those
26 categories of documents collected from the FTC investigation, subject to further discussions
27 between the parties should any issues arise and, if necessary, resolution by the Court. The various
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1 narrowing proposals that the parties have agreed to may also be applied to this set of documents
2 to the extent it is practicable and efficient to do so.

3 Finally, the Court recognizes that Zuffa will not be able to complete the review and
4 production of the documents subject to this order by the June 1 substantial completion deadline.
5 Within 10 days of the entry of this order, the parties shall meet and confer regarding the
6 appropriate deadline that should apply. Within 14 days after entry of this order, the parties shall
7 submit a proposal as to the proper substantial completion deadline that should apply, or, if the
8 parties cannot reach agreement, will submit competing proposals as proposed forms of order.
9 Having considered the parties' proposals and good cause having been shown:

10 IT IS HEREBY ORDERED THAT:

11 (1) Zuffa is ordered to review the documents hit by the Ordered Search Terms from the
12 custodial files of the Ordered Custodians in this case.

13 (2) Zuffa is ordered to review the documents in the files of former Strikeforce employees
14 Scott Coker, Richard Chou and Bob Cook that are hit by the modified Ordered Search
15 Terms as described above.

16
17 IT IS SO ORDERED.

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20 DATED: _____

By: _____

Hon. Peggy A. Leen
UNITED STATES MAGISTRATE JUDGE